

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

---

In Re: COOK MEDICAL, INC., IVC FILTERS  
MARKETING, SALES PRACTICES AND  
PRODUCTS LIABILITY LITIGATION

---

Case No. 1:14-ml-2570-RLY-TAB  
MDL No. 2570

This Document Relates to:

Cindy Angus

---

Civil Case # 1:14-cv-06002-RLY-TAB

---

**MOTION TO SUBSTITUTE PARTY PLAINTIFF AND  
FOR LEAVE TO FILE SECOND AMENDED SHORT FORM COMPLAINT**

COMES NOW, Tristain Lumpkins-Adamaecz, surviving son of Plaintiff-decedent Cindy Angus, and files this motion to substitute. Tristain Lumpkins-Adamaecz is eligible to serve as the proper plaintiff pursuant to Federal Rule of Civil Procedure 25(a)(1). In support thereof, Plaintiff respectfully shows the court the following:

1. Plaintiff Cindy Angus filed her Original Complaint in the United States District Court for the District of Montana on March 27, 2014. The case was transferred to the United States District Court for the Southern District of Indiana on October 17, 2014.

2. Plaintiff Cindy Angus died on or about July 27, 2024.

3. On September 16, 2025, Plaintiff's counsel filed a Notice of Suggestion of Death pursuant to Federal Rule of Civil Procedure 25(a)(1). *See* Doc. No. 27139. Plaintiff's counsel recently learned of the death of Cindy Angus after contacting her son.

4. Tristain Lumpkins-Adamaecz, surviving son of Cindy Angus, is the proper party plaintiff to substitute for Plaintiff-decedent Cindy Angus and to proceed forward with the surviving

products liability lawsuit on Plaintiff-decedent's behalf, pursuant to Fed. R. Civ. P. 25(a)(1), stating, "[i]f a party dies, and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative."

5. Plaintiff thus moves to substitute Tristain Lumpkins-Adamaecz, as Heir and Representative of the Estate of Cindy Angus, Deceased, as Plaintiff in the present action.

6. Plaintiff also moves to amend the Complaint, as well as the caption of the Complaint, to correct the proper Plaintiff (specifically, Tristain Lumpkins-Adamaecz, as Heir and Representative of the Estate of Cindy Angus, Deceased) and to update and include information, allegations, and actions within the Complaint to reflect that Plaintiff Cindy Angus is now deceased.

7. A proposed Second Amended Short Form Complaint is attached hereto as Exhibit "A".

8. Pursuant to Federal Rules of Civil Procedure 15(a)(2), a party may amend its pleading only with the opposing party's written consent or the Court's leave. The Court should freely give leave when justice so requires.

WHEREFORE, counsel for Plaintiff requests this Court for the following relief (1) the Court substitute Tristain Lumpkins-Adamaecz, as Heir and Representative of the Estate of Cindy Angus, Deceased, as Party Plaintiff for Cindy Angus; (2) the Court grant leave to file the attached Second Amended Short Form Complaint; Case 1:14-cv-06002-RLY-TAB; and, (3) the Court deem the attached Second Amended Short Form Complaint filed instant. A proposed Order is attached hereto as Exhibit "B".

Dated: December 15, 2025.

Respectfully Submitted,

/s/ Thomas Wm. Arbon

Thomas Wm. Arbon, TX Bar No. 01284275

**Ben Martin Law Group, PLLC**

3500 Maple Avenue, Suite 400

Dallas, TX 75219

Tel.: (214) 761-6614

Fax: (214) 744-7590

tarbon@benmartin.com

*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on December 15, 2025, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the CM/ECF participants registered to receive service in this MDL.

/s/ Thomas Wm. Arbon

Thomas Wm. Arbon